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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,996	01/28/2004	Valerie Molto	1948-4836	5018
27123	7590	12/29/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			LE, KHANH H	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/766,996	<b>Applicant(s)</b> MOLTO ET AL.	
	<b>Examiner</b> Khanh H. Le	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:
2. On page 6, line 3, "Figure 4" should be changed to Figure 5.
3. On page 6, line 6, "Figure 5" should be changed to Figure 6.

Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to because it is not clear how the light "bends" toward axis A-A as suggested by Figure 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

5. Claims 1, 2, 4, and 5 are objected to because of the following informalities:
6. Claim 1, line 9, "a said" is contradictory.
7. Claim 1, line 10, "the said" is redundant.
8. Claim 1, last 2 lines, "the maximum... values" lacks antecedent basis.
9. Claim 2, line 4, "the form" lacks antecedent basis.
10. Claim 4, lines 4, "producing" should be change to produces.
11. Claim 5, lines 2, "of the type" lacks of antecedent basis and is indefinite since no "type" has been defined.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami et al. (US Publication No. 2002/0163814 A1) in view of Ito et al. (US Patent No. 6,417,624 B1 and FR 2797824).

14. With respect to claims 1 and 2, Hayami teaches a lighting apparatus arranged at the front of a vehicle having, on either side of the longitudinal axis of the vehicle, two passing headlights (30) for producing a regulation lighting beam for a passing light (Par. 0037, lines 4-6), and which are adapted to pivot about a substantially vertical axis, towards a position which is deflected to the left and deflected to the right when the vehicle is in a left-hand and a right-hand bend situation, respectively (Par. 0023, lines 2-4). The apparatus further comprises two auxiliary headlights (20), which are cruising headlights, for producing an auxiliary regulation lighting beam (Par. 0037, lines 2-4). The apparatus further includes a central unit (2) which, when it detects failure of a the passing light (30) in the deflected position (Par. 0063, lines 1-2), causes the faulty passing light to be extinguished (Par. 0064, lines 5) and at least one of the auxiliary headlights to be lit (Par. 0037, lines 2-7, discloses the fixed lamp always stays lit).

Hayami does not teach that the auxiliary headlight (20) compensates for the extinction of the faulty passing headlight.

Ito teaches an alternative headlight (the low beam) that can be used as a substitute light source for a faulty main light source (the high beam) (Col. 3, lines 39-41). In the event of an abnormality occurring to the high beam headlight, the low beam headlight is turned upward from the original optical axis to compensate for the high beam headlight (Col. 4, lines 40-48).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the auxiliary headlight of Hayami as an alternative headlight for the passing headlight, as taught by Ito, in Hayami's headlight apparatus, so that in

the event of an abnormality occurring to the passing headlight, the auxiliary headlight is rotated from the original axis to compensate for the passing headlight and produces a light beam that has regard to the maximum permitted regulation photometric values above the horizontal longitudinal plane.

15. With respect to claim 4, Hayami teaches the lighting apparatus according to Claim 2, wherein each cruising headlight (20) includes means for forming an upper cut-off line (24) in its light beam, and wherein the upper cut-off line is substantially coincident with the said horizontal longitudinal plane (H, Fig. 9(a) and 9(b)) when the cruising headlight so producing the compensating beam (L1).

16. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami et al. (US Publication No. 2002/0163814 A1) and Ito et al. (US Patent No. 6,417,624 B1) as applied to claims 1 and 2 above, and further in view of Fleury (US Patent No. 3,643,082).

17. With respect to claim 3, Hayami teaches the passing headlight (30), which is also a cruising headlight when it directs light in the straight ahead direction of the motor vehicle (Par. 0037), includes a range corrector (5) adapted to modify the inclination of the cruising beam (31), and wherein, in order to form the compensating beam, the central unit (2) controls the range corrector (5) of the cruising headlight in such a way as

to deflect its light beam downwards (Par. 0055, lines 9-23). However, Hayami does not teach the range corrector adapted to modify the inclination of each of the cruising beam.

Fleury teaches a vehicle headlight system, wherein each cruising headlight (1) includes a range corrector (45), which is adapted to modify the inclination of the cruising beam with respect to a horizontal longitudinal plane, to keep the beams from the lamps constant whether the vehicle is accelerating, running at a constant speed, or being braked (Col. 1, lines 34-38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to include a range corrector for each cruising headlight, as taught by Fleury, in the Hayami headlight system, so that whether the vehicle is accelerating, running at a constant speed, or being braked, the beam from the cruising headlight can be kept at a constant level.

18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami et al. (US Publication No. 2002/0163814 A1) and Ito et al. (US Patent No. 6,417,624 B1) as applied to claims 1, 2 and 4 above, and further in view of Ito (US Patent No. 5,833,345).

19. With respect to claim 5, Hayami teaches the vehicle lighting apparatus having a conventional discharge bulb (23) and a halogen bulb (33) enclosed in a housing (21) that has a conventional lens (12) but does not disclose using the headlight with an image-reproducing optic and occulting device.

Ito ('345) teaches a headlight with the image-reproducing optic (Fig. 4) for the purpose of improving the appearance of the automobile (Col. 1, lines 39-44). Ito further teaches one of the occulting devices (50) included in the headlight (1) with the image-reproducing optic (42) as the cut-off edge, which defines the upper cut-off line of the light beam produced by the cruising headlight (Col. 5, lines 5-10).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the headlight of Hayami to include the type of image-reproducing optic and an occulting device, as taught by Ito, in order to improve the appearance of the automobile and the occulting device to provide a low-beam cutting line.

### ***Response to Arguments***

20. Applicant's arguments, filed on 16 November 2005, directed to rejection of claims 1-4 under 35 USC 102(a) as being anticipated by Hayami (US Publication No. 2002/0163814 A1) have been fully considered and are persuasive. However, upon further consideration, a new ground of rejection is made in view of Hayami et al. (US Publication No. 2002/0163814 A1) in view of Ito et al. (US Patent No. 6,417,624 B1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is (571) 272-8325. The examiner can normally be reached on Monday - Friday, 8:00 AM - 5:00 PM.

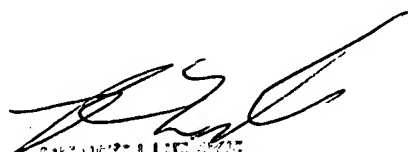


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh H. Le  
Examiner  
Art Unit 2875

KHL

  
RENEE LUEBKE  
PRIMARY EXAMINER